

1 down anything while she was talking?

2 **A** **I wrote out the preamble -- the predicate of**
3 **what we discussed saying why we were there and who she**
4 **was, whatever, which is a preamble thing, and then I**
5 **also made a note that just -- just a handwritten note**
6 **on the bottom date 1/29/2018.**

7 **Q** So you just listened and then when the
8 interview was over tried to remembered everything she
9 said and put it down in paper?

10 **A** **Yes, sir. Best as I can recall, yes, sir.**

11 **Q** So as a former FBI agent you sat through a
12 multiple hour interview asking a woman detailed
13 questions about her activities that are the focus of
14 your investigation, and you took no notes and took --
15 typed no contemporaneous information down and just sat
16 there and listened?

17 **A** **Until she left.**

18 **Q** You did -- you wrote -- you put nothing to
19 paper until she left except the preamble?

20 **A** **Thank you. That's -- that's what I did and**
21 **when she left, I started.**

22 **Q** Okay. And you have the preamble written in
23 paper you believe in your hotel room?

24 **A** **It may be or it may be at home.**

25 **Q** Okay. But you just testified that Ms.

1 Gardner read to you Exhibit A of Defendant's
2 Exhibit 1, correct?

3 A Orally, yes, she did.

4 Q She -- you had forgotten that this morning?

5 A Yes, sir.

6 Q And then she reminded you during the break?

7 A No, she did not.

8 Q She didn't?

9 A Don't put -- don't -- don't -- don't do it
10 that way, Mr. Martin, please.

11 Q You remembered it on your own?

12 A I thought about it. I thought about it.

13 Q Okay.

14 A Yes, sir.

15 Q And so --

16 A Strictly on me. It's on me. not on her.

17 Q And so notwithstanding the fact that the
18 subpoena called for any notes that you had, you chose
19 not to bring them with you today?

20 A I did not choose not -- not to -- because my
21 interpretation of what she wanted was the report.
22 Those were my notes. I know that's strange -- maybe
23 strange to you, but my report is my notes. I mean, I
24 can't seem to get you to understand that, Mr. Martin.
25 Those are -- when I do it, those are my notes. And,

1 **Mr. Martin, I've done it my whole FBI career. My**
2 **cases have gone to the circuit in Cincinnati and**
3 **everything else, my affidavit and everything else. I**
4 **do that. That just -- that just -- that just the way**
5 **I do it.**

6 Q Your testimony is that every time you have
7 ever done an interview, you just listen and only at
8 the end of the interview do you write down the
9 substance of what the witness said?

10 A **Yes, sir. Yes, sir. My whole career. My**
11 **whole career.**

12 Q You don't take notes while the witness is
13 talking?

14 A **I sit and -- I sit and -- I sit and take in**
15 **everything that they say, Mr. Martin.**

16 Q You take it into your brain?

17 A **Yes, sir.**

18 Q But you don't write it down?

19 A **I don't write it down.**

20 Q And you don't type it?

21 A **Until the end.**

22 Q Until the end?

23 A **Until I'm done.**

24 Q Until you're done?

25 A **Yes, sir.**

1 Q And --

2 A When I got my quiet times.

3 Q And -- and that's the same way you prepared
4 302s?

5 A Yes, sir. Same way I prepare reports as you
6 know, memorandums, my affidavits for title IIIs,
7 you -- I can -- I can give you the chief of the -- the
8 chief assistant United States attorney I can show you
9 letters Mr. -- Mr. Martin.

10 Q Okay.

11 A I have done that. That -- that -- that
12 seems strange -- that may -- unique to you and you --
13 and you're the United States attorney, but you can
14 talk to ex chief assistant, they'll tell you I --
15 that's -- I've done it that way. I've done it that
16 way. For whatever reason that's just habit I -- I do
17 it that way. I can't explain anything further. I do
18 it that way.